

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed October 17, 2005. The Applicant traverses the rejections to claims 22-32, 34 and 41-51. Claims 27 and 44 have been amended by amendment. Claims 1-21, 33, and 35-40 have been cancelled. Reconsideration and allowance of the subject application and presently pending claims 22-32, 34 and 41-51 is respectfully requested.

I. Response to Claim Rejections based on Anticipation

In the Office Action, claims 27-32, 34 and 41-44, 46-51 are preliminarily rejected under 35 USC§102(e) as being anticipated by Japanese Patent No. 11-163989 to Ichikawa. For a proper rejection of a claim under 35 USC§102(e), the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

A. Claim 27

Claim 27 is presently written as:

A cable retractor assembly coupleable to a portable communications device, comprising:

a communications circuit for sending and receiving wireless communications signals;

a cable retractor assembly for retracting a coupled cable, the cable comprising a first end and a second end, the first end coupled to the communications circuit and the second end comprising a speaker;

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an enclosure for housing the communications circuit and the retractor, ***wherein the enclosure is detachably coupleable to the communications device;***

a sensor to determine if the coupled cable is extended or retracted from the communication device, and

a micro controller programmed to send an audio signal to the speaker when the communications circuit receives a wireless communications signal and the sensor determines the coupled cable is extended from the communication device.

(Emphasis added).

In the Office Action, claim 27 is preliminarily rejected under 35 USC 102(b) as being anticipated by Ichikawa. Ichikawa teaches a portable telephone having an earpiece and cable retractor.

Ichikawa fails to teach or disclose every element of claim 27. Specifically, Ichikawa fails to disclose the "enclosure is detachably coupleable to the communications device." Ichikawa teaches a portable telephone having the cable retracted within the telephone. Ichikawa does teach or disclose the enclosure is detachably coupleable to the communications device. Further, Ichikawa fails to disclose a sensor to determine if the coupled cable is extended or retracted from the communication device. Ichikawa teaches detecting whether the speaker/microphone is pulled from the earphone microphone stowage (see paragraph 0017), which is materially different from detecting whether the cable is extended or retracted.

As Ichikawa fails to teach or disclose anything resembling showing the enclosure is detachably coupleable to the communications device and fails to teach or disclose a sensor to determine if the coupled cable is extended or retracted from the communication device, the Applicant respectfully requests the preliminary rejection of claim 27 be withdrawn.

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B. Claims 28-29

The Applicant respectfully submits that since claims 28-29 depend on independent claim 27, claims 28-29 contain all limitations of independent claim 27. Since independent claim 27 should be allowed, as argued above, pending dependent claims 28-29 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

C. Claim 30

Claim 30 is presently written as:

A cable retraction assembly, comprising:
a reel rotatable about an axis for the winding and unwinding of a cable, the cable having at least two electrical conductors;
a biasing member coupled to the reel for urging the reel to rotate in a first direction;
a force applicator for resisting winding and unwinding of the cable; and
an enclosure for housing the reel, the biasing member, and the force applicator wherein ***the enclosure is detachably coupleable to an electronic device*** having an alert device wherein the cable retraction assembly deactivates the alert device when the cable is unwound from the reel.
(Emphasis added).

In the Office Action, claim 30 is preliminarily rejected under 35 USC 102(b) as being anticipated by Ichikawa. Ichikawa teaches a portable telephone having an earpiece and cable retractor.

Ichikawa fails to teach or disclose every element of claim 30. Specifically, Ichikawa fails to disclose the "enclosure is detachably coupleable to an electronic device." Ichikawa teaches a portable telephone having the cable retracted within the telephone. Ichikawa does teach or disclose the enclosure is detachably coupleable to the electronic device.

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As Ichikawa fails to teach or disclose anything resembling showing the enclosure is detachably coupleable to the electronic device, the Applicant respectfully requests the preliminary rejection of claim 30 be withdrawn.

D. Claims 31, 32 and 34

The Applicant respectfully submits that since claims 31, 32 and 34 depend on independent claim 30, claims 31, 32 and 34 contain all limitations of independent claim 30. Since independent claim 30 should be allowed, as argued above, pending dependent claims 31, 32 and 34 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

E. Claim 41

Claim 41 is presently written as:

A cable retractor, comprising;
an enclosure detachably coupleable to a portable electronic device;
 a rotatable reel;
 a biasing member secured to the enclosure and the reel to urge the reel to rotate in a predetermined direction;
 a length of cable having a first end and a second end, the first end coupled to the reel and the second end having a speaker coupled thereto;
 a plurality of terminals secured to the enclosure, the terminals electrically coupled to the first end of the cable and electrically coupleable to the portable electronic device;
 a communications circuit for sending and receiving wireless communications signals;
a sensor to determine if the biasing member is rotated in a direction opposite the predetermined direction; and
 a micro controller programmed to send an audio signal to the speaker when the communications circuit receives a wireless communications signal and the sensor determines the biasing member is rotated in the direction opposite the predetermined direction.
(Emphasis added).

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In the Office Action, claim 41 is preliminarily rejected under 35 USC 102(b) as being anticipated by Ichikawa. Ichikawa teaches a portable telephone having an earpiece and cable retractor.

Ichikawa fails to teach or disclose every element of claim 41. Specifically, Ichikawa fails to disclose the "enclosure is detachably coupleable to a portable electronic device." Ichikawa teaches a portable telephone having the cable retracted within the telephone. Ichikawa does teach or disclose the enclosure is detachably coupleable to the portable electronic device. Further, Ichikawa fails to disclose a sensor to determine if the biasing member is rotated in a direction opposite the predetermined direction. Ichikawa teaches detecting whether the speaker/microphone is pulled from the earphone microphone stowage (see paragraph 0017), which is materially different from detecting whether the biasing member is rotated in a direction opposite the predetermined direction.

As Ichikawa fails to teach or disclose anything resembling showing the enclosure is detachably coupleable to the portable electronic device and fails to teach or disclose a sensor to determine if the biasing member is rotated in a direction opposite the predetermined direction, the Applicant respectfully requests the preliminary rejection of claim 41 be withdrawn.

F. Claims 42-43

The Applicant respectfully submits that since claims 42-43 depend on independent claim 41, claims 42-43 contain all limitations of independent claim 41. Since independent claim 41 should be allowed, as argued above, pending

dependent claims 42-43 should be allowed as a matter of law for at least this reason.

In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

G. Claim 44

Claim 44 is presently written as:

A portable communications device, comprising:
a cable with a proximal end and a distal end;
an earpiece coupled to the distal end of the cable;
a cable retractor for retracting the cable and coupled to the proximal end of the cable;
a sensor to determine if the biasing member is rotated in a direction opposite the predetermined direction;
a ringer coupled to the portable communication device;
a circuit for determining the presence of an incoming call; and
a micro controller programmed to deactivate the ringer when the circuit determines the presence of the incoming call and the sensor determines the biasing member is rotated in a direction opposite the predetermined direction.
(Emphasis added).

In the Office Action, claim 44 is preliminarily rejected under 35 USC 102(b) as being anticipated by Ichikawa. Ichikawa teaches a portable telephone having an earpiece and cable retractor.

Ichikawa fails to teach or disclose every element of claim 44. Specifically, Ichikawa fails to disclose a sensor to determine if the biasing member is rotated in a direction opposite the predetermined direction. Ichikawa teaches detecting whether the speaker/microphone is pulled from the earphone microphone stowage (see paragraph 0017), which is materially different from detecting whether the biasing member is rotated in a direction opposite the predetermined direction.

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As Ichikawa fails to teach or disclose a sensor to determine if the biasing member is rotated in a direction opposite the predetermined direction, the Applicant respectfully requests the preliminary rejection of claim 44 be withdrawn.

H. Claims 46-51

The Applicant respectfully submits that since claims 46-51 depend on independent claim 44, claims 46-51 contain all limitations of independent claim 44. Since independent claim 44 should be allowed, as argued above, pending dependent claims 46-51 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

II. Response To Claim Rejections Based On Obviousness

In the Office Action, claims 22-26 and 45 are rejected under 35 USC§103(a) as being unpatentable over Ichikawa in view of U.S. Patent No. 6,374,126 to MacDonald, *et al* (hereinafter "MacDonald"). It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., In re Dow Chemical, 5 U.S.P.Q. 2d 1529, 1531 (Fed. Cir. 1988), and In re Keller, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

A. Claim 22

Claim 22 is presently written as:

A cable retractor assembly coupleable to a communications device, comprising:

an enclosure for housing a rotatable reel, wherein the enclosure is detachably coupleable to the communications device;

a biasing member coupled to the reel and the enclosure for urging the reel to rotate in a predetermined direction;

an actuator coupled to the enclosure to signal the communications device to pick up an incoming call; and

a vibrator designed to vibrate when the actuator picks up the incoming call and the biasing member is rotated in a direction opposite the predetermined direction.

(Emphasis added).

In the Office Action, claim 22 is preliminarily rejected under 35 USC 103(a) as being obvious as a result of Ichikawa in view of MacDonald. Ichikawa teaches a portable telephone having an earpiece and cable retractor.

Ichikawa in view of MacDonald fails to teach or disclose every element of claim 22. Specifically, Ichikawa in view of MacDonald fails to disclose a vibrator designed to vibrate when ... the biasing member is rotated in a direction opposite the predetermined direction. As admitted on page 3 of the office action, "Ichikawa fails to disclose a vibrator designed to vibrate when the actuator picks up an incoming call." More importantly, neither references teaches a vibrator signaling a user based on the position of the biasing member.

As Ichikawa fails to teach or disclose a vibrator designed to vibrate when ... the biasing member is rotated in a direction opposite the predetermined direction, the Applicant respectfully requests the preliminary rejection of claim 2 be withdrawn.

B. Claims 23-26

The Applicant respectfully submits that since claims 23-26 depend on independent claim 22, claims 23-26 contain all limitations of independent claim 22.

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Since independent claim 22 should be allowed, as argued above, pending dependent claims 23-26 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

C. Claim 45

The Applicant respectfully submits that since claim 45 depends on independent claim 44, claim 45 contains all limitations of independent claim 44. Since independent claim 44 should be allowed, as argued above, pending dependent claim 45 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

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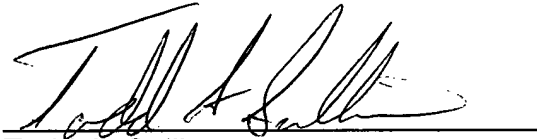
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CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, the Applicant respectfully submits that all objections and rejections have been traversed, rendered moot and/or accommodated, and that presently pending claims 22-32, 34, and 41-51 are in condition for allowance. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. If in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (603) 668-1400.

Respectfully submitted,



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